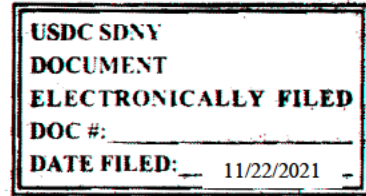


**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**



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**JOHN WALDEN,**

**Petitioner,**

**19-CV-11409 (GBD)(SN)**

**-against-**

**ORDER**

**WALCOTT, Superintendent,**

**Respondent.**  
-----X

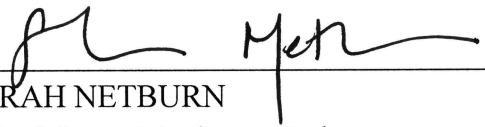
**SARAH NETBURN, United States Magistrate Judge:**

On February 12, 2021, the Court issued a Stay and Abeyance Order and a Report and Recommendation, staying the petition through May 24, 2021, to allow Petitioner to exhaust his unexhausted claims in state court. ECF No. 48.

Given the passage of time and the apparent failure of Petitioner to file any submissions in state court (ECF No. 24), the Stay and Abeyance Order and Report and Recommendation are VACATED. The Court will issue a new Report and Recommendation to Judge Daniels that will consider the Respondent's Motion to Dismiss (ECF No. 24), the Respondent's letter to the Court regarding the status of any application to the state courts (ECF No. 58), and Petitioner's motions, which the Court construes as oppositions to Respondent's Motion to Dismiss: (i) Rule 12(c) Motion (ECF No. 32); (ii) Rule 12(c) motion (ECF No. 35); (iii) Motion for Reconsideration of the order denying his Motion to Strike (ECF No. 46); (iv) Motion for Reconsideration of the Order to Show Cause (ECF No. 50); and (v) Objection to the now-vacated Report and Recommendation (ECF No. 53). The Court will address these applications forthwith and no further submissions are permitted.

The Clerk of Court is respectfully directed to mail a copy of this order to Petitioner and note service on the docket.

**SO ORDERED.**

  
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SARAH NETBURN  
United States Magistrate Judge

DATED: New York, New York  
November 22, 2021